

## OMNIBUS MCKINNEY HOMELESS ASSISTANCE ACT OF 1988

JULY 28, 1988.—Ordered to be printed

Mr. ROSTENKOWSKI, from the Committee on Ways and Means,  
submitted the following

### REPORT

[To accompany H.R. 4352 which on March 31, 1988, was referred jointly to the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Ways and Means, the Committee on Education and Labor, the Committee on Veterans' Affairs, and the Committee on Agriculture]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 4352) to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment (stated in terms of the page and line numbers of the introduced bill) is as follows:

Page 22, strike line 11 and all that follows through line 21 on page 29 and insert the following:

#### TITLE X—AID TO FAMILIES WITH DEPENDENT CHILDREN

##### SEC. 1001. EXTENSION OF PROHIBITION AGAINST IMPLEMENTATION OF CERTAIN PROPOSED REGULATIONS.

Section 9118 of the Omnibus Budget Reconciliation Act of 1987 is amended by striking "October 1, 1988" and inserting "September 30, 1989".

##### SEC. 1002. REVIEW OF POLICY GOVERNING USE OF AFDC FUNDS TO MEET EMERGENCY NEEDS OF FAMILIES ELIGIBLE FOR AFDC THROUGH EMERGENCY ASSISTANCE OR SPECIAL NEEDS PAYMENTS; REPORT TO CONGRESS.

(a) **REVIEW OF POLICY.**—The Secretary of Health and Human Services shall review the policies in effect, as of the date of the enactment of this section, with respect to the use by States of amounts paid to such States under the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), in the form of payments of aid to meet special needs or emergency assistance under section 406(e) of such Act (42 U.S.C. 606(e)) to meet emergency needs of families who are eligible for such aid.

(b) **REPORT TO CONGRESS.**—Not later than April 1, 1989, the Secretary of Health and Human Services shall submit to the Congress a report containing recommendations for legislative and regulatory changes designed to—

- (1) improve the ability of the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to respond to emergency needs of families who are eligible for such aid; and
- (2) eliminate the use of funds provided to States under such program to pay for the provision of shelter in commercial or similar transient facilities.

##### SEC. 1003. DEMONSTRATION PROJECTS TO REDUCE NUMBER OF HOMELESS AFDC FAMILIES IN WELFARE HOTELS AND EXPAND USE OF TRANSITIONAL FACILITIES TO HOUSE SUCH FAMILIES.

(a) **IN GENERAL.**—In order to encourage States and political subdivisions of States to house homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in transitional facilities instead of in commercial or similar transient facilities, up to 5 States and political subdivisions of States may undertake and carry out demonstration projects in accordance with this section. Demonstration projects under this section shall meet such conditions and requirements as the Secretary shall prescribe. The Secretary shall consider all applications received from States and political subdivisions of States desiring to conduct demonstration projects under this section and shall approve up to 5 applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this section.

(b) **PROJECT REQUIREMENTS.**—A demonstration project under this section must provide that the State or political subdivision of the State will—

- (1) make transitional facilities available to homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and who reside in commercial or similar transient facilities;
- (2) permanently reduce the number of rooms used to house homeless families who are recipients of such aid in commercial or similar transient facilities by the number of units made available in transitional facilities in accordance with paragraph (1); and
- (3) make a transitional facility available in accordance with paragraph (1) for any fiscal year beginning on or after October 1, 1988, only if the cost of providing shelter and services in such facility for such fiscal year does not exceed the cost of providing shelter and services in commercial or similar transient facilities for such fiscal year.

##### (c) **FUNDING.**—

(1) **IN GENERAL.**—Notwithstanding part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the regulations promulgated thereunder, any amount expended by any State, during the 5-year period beginning October 1, 1988, to pay the operating costs (including debt service costs) of transitional facilities used to carry out a project which meets the requirements of subsection (b) and an application for which has been approved by the Secretary of Health and

Human Services shall constitute an expenditure subject to Federal reimbursement under paragraph (1) or (2) of section 403(a) of such Act, whichever is applicable.

(2) **PROJECTS TO RESULT IN ZERO NET COST TO THE FEDERAL GOVERNMENT.**—The aggregate of the amounts to be provided by the Federal Government for demonstration projects under this section shall not exceed the aggregate of the amounts which would have been provided by the Federal Government, in the absence of such projects, to house homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in commercial or similar transient facilities.

(d) **DEFINITIONS.**—As used in this title—

(1) the term “homeless family” means a dependent child or children and the relatives with whom such child or children are living, who—

(A) lack a fixed and regular nighttime address,

(B) have a primary residence that is a shelter designed for temporary accommodation, a hotel, or a motel, or

(C) are living in a place not designed for, or ordinarily used as, a regular sleeping accommodation;

(2) the term “commercial or similar transient facilities” means transient accommodations in—

(A) a commercial hotel or motel operated by a privately owned for-profit entity, or

(B) a similar establishment which is not a transitional facility (whether or not directly operated or contracted for by the State or a political subdivision or by a not-for-profit organization authorized by the State or political subdivision to provide such accommodations); and

(3) the term “transitional facility” means any facility operated by a State or local government or a nonprofit organization which, at a minimum—

(A) provides temporary and private sleeping accommodations, and temporary eating and cooking accommodations; and

(B) provides services to help families locate and retain permanent housing.

## I. INTRODUCTION

### A. PURPOSE AND SCOPE OF THE BILL

The Omnibus McKinney Homeless Assistance Act of 1988, H.R. 4352, was referred jointly to the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Education and Labor, the Committee on Veterans' Affairs, the Committee on Agriculture, and the Committee on Ways and Means. Under the rules of the House of Representatives, the Committee on Ways and Means has jurisdiction over Title X of H.R. 4352.

Title X of H.R. 4352 contains provisions relating to homeless families under the Aid to Families with Dependent Children (AFDC) program.

First, it would require a State AFDC plan to describe “special need” items that will be included in the State's standard of need and the circumstances under which they would be included.

Second, it would permit a State to include in its need standard an amount for shelter and related needs that varies according to geographic location, family circumstances, or the type of living accommodation occupied.

Third, it would amend the AFDC statute to include the language of current regulations regarding the availability of emergency assistance. This would permit emergency assistance to be furnished or authorized for a period not in excess of 30 days in any period of 12 consecutive months, including payments to meet needs which

arose before such 30-day period or such needs as rent which extend beyond the 30-day period.

Fourth, it would require the State AFDC plan to specify eligibility conditions for the receipt of emergency assistance. This would require the State to have a reasonable method for determining the value of in-kind goods or services provided under such assistance, but it would not require the State to identify in the State AFDC plan the maximum assistance which may be provided for any type of emergency.

Fifth, it would permit the Secretary to reduce Federal funds otherwise payable to a State for emergency shelter in commercial or similar transient accommodations if the Secretary finds, in accordance with regulations, that substantial progress is not being made to reduce the number of homeless AFDC families residing in such accommodations.

Sixth, it would authorize a demonstration program for the purpose of encouraging landlords to make permanent dwelling units available to needy families that might otherwise require emergency assistance or special needs payments for shelter in the form of commercial or similar transient accommodations. Demonstration projects would be limited to States which provide for emergency shelter as a special need. Any State which spent funds for this purpose before the authorization of the demonstration projects would not be required to repay any part of these payments if the State establishes and conducts a demonstration project.

The Committee on Ways and Means struck Title X and inserted a new Title X. The purpose of the new Title X is to allow the Secretary time to review current policy toward the use of AFDC emergency needs funds and to recommend statutory and regulatory changes. The recommended changes would be designed to improve the ability of the AFDC program to respond to emergency needs of AFDC-eligible families and to eliminate the use of AFDC funds for shelter costs in "welfare hotels." In addition, Title X is intended to test whether expanding the availability of transitional housing would reduce the number of families living in welfare hotels.

#### B. BACKGROUND AND NEED FOR LEGISLATION

In the 1980s, the number of homeless families has been increasing. Although researchers have found the majority of homeless persons are single, reports indicate that an increasing share of the homeless population is composed of children. At the same time, the Federal government has been cutting back its long-term commitments to aid families with children through low-income housing subsidies. Although virtually all AFDC families qualify for housing assistance from the Department of Housing and Urban Development, only about 20 percent of AFDC families received such aid in 1986.

In response to the rising need for housing assistance to families with children, some States and localities have increased spending under the AFDC program for this purpose. This increased assistance has been made available through the Emergency Assistance Program and the special needs component of the AFDC program.

The Emergency Assistance to Needy Families with Dependent Children program was enacted under the Social Security Amendments of 1967 (P.L. 90-248). It permits States to furnish emergency assistance to needy families with children for a period not to exceed 30 days in any period of 12 consecutive months. The assistance is intended to help children avoid destitution or to provide them living arrangements. The Federal government pays 50 percent of the cost.

The Social Security Act authorizes the AFDC program for needy children and their caretakers, but it does not define the standard of need, nor does it mention special needs. Federal regulations require States to specify their standards of need and if States include special needs in their standards, they must describe them.

"Special needs" are usually defined as needs recognized by a State as essential for some persons, but not all persons. As a result, special needs are determined on an individual basis. Fourteen States consider the loss of shelter as a special need, and they factor it into the total "need standard" that they use to determine AFDC eligibility and benefit amounts for families with such special needs. The Federal government pays between 50 percent and 79.65 percent of these costs, with the Federal share being inversely proportional to State per capita income. The Federal government pays about 54 percent of total AFDC benefit costs.

During the last few years, some States have been using funds from the Emergency Assistance Program and the special needs category under AFDC to house homeless families in hotels. In addition, some States have been using Emergency Assistance funds for expenses covering more than 30 days. Recently, unsafe and squalid conditions have been reported in "welfare hotels" costing more than \$1,000 per month for an average of 13 months. Although data are lacking on the extent of this problem, the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means heard testimony on these conditions at its field hearing on the use of AFDC funds for homeless families in New York City on March 28, 1988.

On December 14, 1987, the Department of Health and Human Services published a proposed rule in the Federal Register asserting a 30-day limit on Emergency Assistance expenditures and restricting the use of the special needs category under AFDC for housing expenses. Congress reacted by passing a moratorium on these regulations on December 22, 1987 under the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203). This moratorium expires on October 1, 1988.

#### C. SUMMARY OF PRINCIPAL PROVISIONS

Title X, as amended by the Committee on Ways and Means, has four main provisions.

First, it would extend through September 30, 1989 the prohibition on implementation of regulations proposed by the Secretary on December 14, 1987 with regard to the use of AFDC funds to meet the emergency needs of AFDC families either through emergency assistance or special needs payments.

Second, it would require the Secretary to review current policy with regard to the use of AFDC funds to meet the emergency needs of AFDC families either through emergency needs assistance or special needs payments.

Third, it would require the Secretary to submit a report to Congress by April 1, 1989. The report would include recommendations for statutory and regulatory changes designed to: (1) improve the ability of the AFDC program to respond to emergency needs of AFDC eligible families; and (2) eliminate the use of AFDC funds for shelter costs in welfare hotels.

Fourth, it would authorize 5 State and local demonstration projects designed to reduce the number of families in welfare hotels and to expand the availability of transitional housing. This authority aims to encourage the development of transitional facilities similar to HELP I in East New York, New York, which the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means visited during its field hearing on the housing problems of the homeless.

Under the demonstrations, a State or locality would be permitted to use AFDC funds to pay operating costs, including debt service costs, of transitional facilities for homeless AFDC families. The normal AFDC Federal matching rate would apply. In order to have a demonstration project, a State or locality would be required to demonstrate to the Secretary that it could meet certain conditions specified in this provision.

## II. DETAILED EXPLANATION OF PROVISIONS

### PRESENT LAW

The Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203), prohibits the Secretary of Health and Human Services, prior to October 1, 1988, from taking any action that would have the effect of implementing, in whole or in part, the proposed regulations published in the Federal Register on December 14, 1987. These regulations would have restricted the use of AFDC emergency assistance funds for homeless families and would have limited States' authority to use AFDC funds for shelter in temporary quarters, whether as a basic or special need.

Under present law, States may operate an emergency assistance program for needy families with children, if the assistance is necessary to avoid the destitution of the child, or to provide living arrangements in a home for the child. The statute authorizes 50 percent Federal matching funds for emergency assistance furnished for a period not in excess of 30 days in any 12-month period. Current regulations state that Federal matching is available for emergency assistance authorized by the State during one period of 30 consecutive days in any 12 consecutive months, including payments which are to meet needs which arose before the 30-day period, or are for such needs as rent which extend beyond the 30-day period.

AFDC regulations also allow States to include, in their State standards of need, provision for meeting "special needs" of AFDC applicants and recipients. The State plan must specify the circumstances under which payments will be made for special needs. Some States use AFDC emergency assistance and/or special needs

funds to provide assistance to homeless families, including shelter in so-called "welfare hotels."

#### EXPLANATION OF PROVISION

Strike all of the provisions included in title X of H.R. 4352 as introduced and insert a new title X which:

1. Extends, through September 30, 1989, the prohibition on implementation of the regulations proposed by the Secretary of Health and Human Services on December 14, 1987.

2. Requires the Secretary of Health and Human Services to review current policy with respect to the use of AFDC funds in the form of emergency assistance or special needs payments to meet emergency needs of AFDC eligible families.

3. Requires the Secretary of Health and Human Services to submit a report to Congress by April 1, 1989. The report would include recommendations for statutory and regulatory changes designed to: (1) improve the ability of the AFDC program to respond to emergency needs of AFDC eligible families; and (2) eliminate the use of AFDC funds for shelter costs in so-called "welfare hotels."

4. Authorizes 5 State or local demonstration projects designed to reduce the number of families in welfare hotels and expand the availability of transitional housing. This demonstration authority is designed to encourage the development of transitional facilities similar to HELP I in East New York, New York which the Subcommittee visited during its field hearing.

Under the demonstration, a State or locality would be permitted to use AFDC funds to pay the operating costs (including debt service) or transitional facilities for homeless AFDC families. The normal AFDC match would apply. In order to participate in the demonstration, the State or locality must demonstrate to the Secretary of Health and Human Services that:

For each transitional facility that is made available, the State or locality will permanently discontinue using an equal number of welfare hotel rooms currently used to house homeless AFDC families.

The transitional facility can provide shelter and services to a homeless AFDC family at the same or less cost than a welfare hotel and that there will be no net cost to the Federal government in fiscal year 1989 or any subsequent fiscal year.

The term welfare hotel would be defined as a commercial or similar transient facility offering accommodations in a commercial hotel or motel operated by a privately owned for profit entity, or any similar establishment that does not meet the definition of transitional facility. The term transitional facility would be defined as a facility operated by a State, locality or non-profit organization which at least provides temporary and private sleeping accommodations, temporary eating and cooking accommodations, and services to help families locate and retain permanent housing.

The demonstration would extend for five years, beginning in fiscal year 1989.

### III. BUDGET EFFECTS OF THE BILL

#### A. COMMITTEE ESTIMATES

In compliance with clause 7(a) of Rule XIII of the Rules of the House of Representatives, the following statement is made:

The Committee agrees with the estimates prepared by the Congressional Budget Office (CBO) which is included below.

#### B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(1)(3)(B) of Rule XI of the House of Representatives, the Committee states that the letter from the Congressional Budget Office indicates that there is a change in budget authority and that there are no new or increased tax expenditures as a result of the bill.

#### C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives requiring a cost estimate prepared by the Congressional Budget Office, the following report prepared by CBO is provided.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 28, 1988.

Hon. DAN ROSTENKOWSKI,  
*Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for Amendments to H.R. 4352, the Omnibus McKinney Homeless Assistance Act of 1988, as ordered reported by the House Committee on Ways and Means on July 27, 1988.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM, *Acting Director.*

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Amendments to H.R. 4352.
2. Bill title: Omnibus McKinney Homeless Assistance Act of 1988.
3. Bill status: As ordered reported by the House Committee on Ways and Means on July 27, 1988.
4. Bill purpose: To amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing assistance for the homeless, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

|                                                                | 1989             | 1990 | 1991 | 1992 | 1993 |
|----------------------------------------------------------------|------------------|------|------|------|------|
| Section 1001 .....                                             | 0                |      |      |      |      |
| Section 1002 .....                                             | ( <sup>1</sup> ) |      |      |      |      |
| Section 1003 .....                                             | 0                | 0    | 0    | 0    | 0    |
| Bill total—Required Budget Authority/Authorization Level ..... | ( <sup>1</sup> ) | 0    | 0    | 0    | 0    |
| Estimated Outlays .....                                        | ( <sup>1</sup> ) | 0    | 0    | 0    | 0    |

<sup>1</sup> Less than \$500,000.

The costs of this bill would fall within budget function 600.

Basis of Estimate: These amendments would substitute for Title X of H.R. 4352.

Section 1001 would extend through September 30, 1989 the prohibition on implementation of the regulations proposed by the Secretary of Health and Human Services in December 1987, dealing with emergency assistance and special needs in the Aid to Families with Dependent Children (AFDC) program. Since these regulations have not been issued in final form, the CBO baseline does not assume the regulations. Extending the prohibition on implementation of the regulations, therefore, has no cost or savings effect when measured against the CBO baseline. If the regulations were in place, however, retracting these regulations would result in a significant cost to the federal government.

Section 1002 would require the Secretary of Health and Human Services to review current policies concerning funding of emergency assistance and special needs under AFDC. The Secretary would have to submit a report to Congress no later than April 1, 1989. These requirements are estimated to cost less than \$500,000 in fiscal year 1989.

Section 1003 would require the Secretary to approve up to five demonstration projects dealing with the substitution of transitional facilities for welfare hotels to house AFDC homeless. The amendment language requires these projects to result in zero net cost to the federal government.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Jan Peskin.

10. Estimate approved by: James L. Blum, Acting Director.

#### IV. OTHER MATTERS REQUIRED TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

##### A. VOTE OF THE COMMITTEE IN REPORTING THE BILL

In compliance with clause 2(1)(2)(B) of Rule XI of the Rules of the House of Representatives, the following statement is made: the bill, H.R. 4352, was ordered favorably to the House of Representatives on July 27, 1988 by voice vote.

##### B. OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 2(1)(3)(A), of the Rule XI of the Rules of the House of Representatives, the Committee reports that the need for this legislation was confirmed by the oversight hearing of

the Subcommittee on Public Assistance and Unemployment Compensation, which was held on March 28, 1988. During the hearing, testimony was received from the mayors of New York City, Boston, and Trenton, New Jersey. Also testifying were the Governor of Massachusetts, and the County Executives of Suffolk and Westchester Counties in New York. These witnesses, along with representatives of social service agencies, community based organizations, and persons representing the homeless population urged Congress to change the policy that allows needy families to be housed in so-called welfare hotels at excessive cost to taxpayers.

#### C. OVERSIGHT BY COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee states that no oversight findings and recommendations have been submitted to this Committee by the Committee on Government Operations with respect to the provisions contained in this bill.

#### D. INFLATIONARY IMPACT

In compliance with clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee states that the provisions of the bill are not expected to have any inflationary impact on the economy.

#### V. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

## TITLE I—GENERAL PROVISIONS

#### SECTION 101. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Stewart B. McKinney Homeless Assistance Act”.

(b) **TABLE OF CONTENTS.**—

#### TITLE I—GENERAL PROVISIONS

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#### TITLE IV—HOUSING ASSISTANCE

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#### Subtitle E—Miscellaneous Provisions

Sec. 441. Section 8 assistance for single room occupancy dwellings.

Sec. 442. Community development block grant amendment.

Sec. 443. *Administrative provisions.*

• • • • •

**SEC. 105. AUDITS BY COMPTROLLER GENERAL.**

The Comptroller General of the United States shall *annually* evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in titles III and IV, and submit a report to the Congress setting forth the findings of such evaluation [ , upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act ].

## TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

\* \* \* \* \*

**[SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this title \$200,000 for fiscal year 1987 and \$2,500,000 for fiscal year 1988.]

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

*There is authorized to be appropriated to carry out this title \$800,000 for each of the fiscal years 1989 and 1990.*

**SEC. 209. TERMINATION.**

The Council shall cease to exist, and the requirements of this title shall terminate, [upon the expiration of the 3-year period beginning on the date of the enactment of this Act] *on October 1, 1990.*

## TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

\* \* \* \* \*

### Subtitle C—General Provisions

\* \* \* \* \*

**[SEC. 322. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this title \$15,000,000 for fiscal year 1987 and \$124,000,000 for fiscal year 1988.]

**SEC. 322. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out this title \$129,000,000 for fiscal year 1989 and \$134,000,000 for fiscal year 1990.*

## TITLE IV—HOUSING ASSISTANCE

### Subtitle A—Comprehensive Homeless Assistance Plan

**SEC. 401. REQUIREMENT FOR COMPREHENSIVE HOMELESS ASSISTANCE PLAN.**

(a) **PLAN REQUIRED.**—Assistance authorized by this title may be provided to, or within the jurisdiction of, a State or a metropolitan

city or urban county that is eligible to receive a grant under the emergency shelter grants program in an amount in excess of the minimum allocation requirement applicable under section 413(b) only if—

(1) it submits *annually* to the Secretary of Housing and Urban Development (in this subtitle referred to as the "Secretary") a comprehensive homeless assistance plan (in this subtitle referred to as the "comprehensive plan"); and

\* \* \* \* \*

### Subtitle B—Emergency Shelter Grants Program

\* \* \* \* \*

#### [SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

[In addition to other amounts authorized by law, there are authorized to be appropriated for the emergency shelter grants program \$100,000,000 for fiscal year 1987 and \$120,000,000 for fiscal year 1988.]

#### SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

*There are authorized to be appropriated to carry out this subtitle \$125,000,000 for fiscal year 1989 and \$130,000,000 for fiscal year 1990.*

### Subtitle C—Supportive Housing Demonstration Program

\* \* \* \* \*

#### [SEC. 427. REPORT TO CONGRESS.

[The Secretary shall submit to the Congress—

[(1) not later than 3 months after the end of fiscal year 1987, an interim report summarizing the activities carried out under this subtitle during such fiscal year and setting forth any preliminary findings or conclusions of the Secretary as a result of such activities; and

[(2) not later 6 months after the end of fiscal year 1988, a final report summarizing all activities carried out under this subtitle and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.]

#### SEC. 427. REPORTS TO CONGRESS.

*The Secretary shall submit annually to the Congress a report summarizing the activities carried out under this subtitle and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 3 months after the end of each fiscal year (6 months in the case of fiscal year 1988).*

#### SEC. 428. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—In addition to other amounts authorized by law, there are authorized to be appropriated to carry out this subtitle \$80,000,000 for fiscal year 1987 and \$100,000,000 for fiscal year 1988.]

(a) *IN GENERAL.*—There are authorized to be appropriated to carry out this subtitle \$105,000,000 for fiscal year 1989 and \$108,000,000 for fiscal year 1990.

\* \* \* \* \*

## Subtitle D—Supplemental Assistance for Facilities to Assist the Homeless

\* \* \* \* \*

### SEC. 434. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle \$25,000,000 for each of the fiscal years 1987 and 1988. There is authorized to be appropriated to carry out this subtitle \$27,000,000 for each of the fiscal years 1989 and 1990. Any amounts that are appropriated to carry out this subtitle and that are not reserved prior to the 30-day period preceding the close of a fiscal year shall be made available prior to the close of such fiscal year.

## Subtitle E—Miscellaneous Provisions

### SEC. 441. SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.

[(a) *INCREASE IN BUDGET AUTHORITY.*—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by \$35,000,000 on or after October 1, 1986, and by \$35,000,000 on or after October 1, 1987.]

(a) *INCREASE IN BUDGET AUTHORITY.*—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by \$40,000,000 on or after October 1, 1988, and by \$40,000,000 on or after October 1, 1989.

\* \* \* \* \*

### SEC. 443. ADMINISTRATIVE PROVISIONS.

(a) *ELIGIBILITY OF RELIGIOUS ORGANIZATIONS FOR ASSISTANCE.*—Any religious organization or organization with religious affiliations shall be eligible to receive and use Federal funds under any subtitle of this title under the following conditions:

(1) The organization complies with the eligibility standards established for the receipt and use of the funds by other private nonprofit organizations.

(2) In providing assistance with the funds, the organization will not discriminate against any person on the basis of religion.

(3) No religious instruction, counseling, or worship will be provided in connection with the provision of assistance with the funds.

(4) No religious symbols will be used in the portion of the facility used to provide assistance with the funds, unless the symbols were permanently affixed to the facility before submission of the application for the funds.

(5) *All of the funds will be accounted for separately from all other funds of the organization so that the Federal Government will not be required to monitor the general accounts of the organization.*

(6) *In the case of any real property that is owned by the organization and is rehabilitated with the funds—*

*(A) the property will be dedicated solely to secular purposes; and*

*(B) unless the amount of the funds used for rehabilitation is less than 10 percent or \$5,000 (whichever is less)—*

*(i) if the property is sold, the proportion of the proceeds of the sale attributable to the funds (not to exceed the amount of the funds plus interest) will be repaid to the Secretary or dedicated to secular purposes; and*

*(ii) if the property reverts to religious use, the funds will be repaid to the Secretary.*

*(b) RELATION TO CDBG PROGRAM.—*

*(1) The provisions of this section shall also be applicable to the receipt and use of funds under title I of the Housing and Community Development Act of 1974.*

*(2) The procedures established under section 104(f) of the Housing and Community Development Act of 1974 shall also be applicable to projects assisted under this title.*

## TITLE V—IDENTIFICATION AND USE OF SURPLUS FEDERAL PROPERTY

### SEC. 501. USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY FOR FACILITIES TO ASSIST THE HOMELESS.

(a) IDENTIFICATION OF UNDERUTILIZED SUITABLE BUILDINGS AND PROPERTY.—The Secretary of Housing and Urban Development shall collect information about Federal public buildings and other Federal real properties (including fixtures) that are described in surveys by the heads of controlling agencies as underutilized and *within 2 months after collecting such information*, shall identify which of those buildings and properties are suitable for use for facilities to assist the homeless. The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of General Services, shall develop criteria with respect to suitability of such property for use as facilities to assist the homeless.

\* \* \* \* \*

## TITLE VI—HEALTH CARE FOR THE HOMELESS

\* \* \* \* \*

### Subtitle B—Community Mental Health Services

\* \* \* \* \*

**SEC. 612. COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROJECTS FOR HOMELESS INDIVIDUALS WHO ARE CHRONICALLY MENTALLY ILL.**

(a) **IN GENERAL.**—*There is authorized to be appropriated for payments pursuant to section 504(f) of the Public Health Service Act \$10,000,000 for fiscal year 1987, in addition to any other amounts appropriated for such payments for such fiscal year.* **For payments pursuant to section 504(f) of the Public Health Service Act, there are authorized to be appropriated \$10,000,000 for fiscal year 1989, \$11,000,000 for fiscal year 1990, and \$12,000,000 for fiscal year 1991, in addition to any other amounts authorized to be appropriated for such payments for each of such fiscal years.** Such additional amounts shall be available only for the provision of community-based mental health services to homeless individuals who are chronically mentally ill.

**TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS**

**Subtitle A—Adult Education for the Homeless**

\* \* \* \*

**SEC. 702. STATEWIDE LITERACY INITIATIVES.**

(a) \* \* \*

\* \* \* \*

(c) **AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.**—

**[(1) There are authorized to be appropriated \$7,500,000 for fiscal year 1987 and \$10,000,000 for fiscal year 1988, for the adult literacy and basic skill's remediation programs authorized by this section.]**

*(1) There is authorized to be appropriated \$11,000,000 for each of the fiscal years 1989 and 1990 for the adult literacy and basic skills remediation programs authorized by this section.*

\* \* \* \*

**Subtitle B—Education for Homeless Children and Youth**

\* \* \* \*

**SEC. 722. GRANTS FOR STATE ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.**

(a) \* \* \*

\* \* \* \*

(d) **FUNCTIONS OF THE OFFICE OF COORDINATOR.**—The Coordinator of Education of Homeless Children and Youth established in each State shall—

*(1) annually gather data on the number and allocation of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in*

elementary and secondary schools, and the difficulties in identifying the special needs of such children;

(2) develop and carry out the State plan described in subsection (e); and

[(3) prepare and submit to the Secretary an interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1).]

*(3) prepare and submit to the Secretary not later than December 31, of each year a report on the data gathered pursuant to paragraph (1):*

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

\* \* \* \* \*

(g) AUTHORIZATION OF APPROPRIATIONS.—

[(1) There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.]

*(1) There is authorized to be appropriated to carry out this section \$6,000,000 for each of the fiscal years 1989 and 1990.*

\* \* \* \* \*

SEC. 723. EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION ACTIVITIES AUTHORIZED.

(a) \* \* \*

\* \* \* \* \*

[(f) APPROPRIATIONS AUTHORIZED.—There is authorized to be appropriated \$2,500,000 for fiscal year 1988 to carry out the provisions of this section.]

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of the fiscal years 1989 and 1990.*

\* \* \* \* \*

Subtitle C—Job Training for the Homeless

\* \* \* \* \*

SEC. 739. AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY OF FUNDS.

(a) AUTHORIZATION OF APPROPRIATIONS—

[(1) There is authorized to be appropriated \$12,000,000 for fiscal year 1988 to carry out the provisions of this subtitle, of which \$2,000,000 shall be available only for the purpose of carrying out section 738.]

*(1) There is authorized to be appropriated to carry out this subtitle \$13,000,000 for each of the fiscal years 1989 and 1990, of which amount \$2,200,000 for each fiscal year shall be available only to carry out section 738.*

(2) If [in fiscal year 1988] for any fiscal year the appropriation is less than [\$12,000,000] the amount authorized in paragraph (1) to carry out the provisions of this subtitle, the

amount available in such fiscal year for the programs under this subtitle other than section 738 and for the program under section 738 shall be ratably reduced.

\* \* \* \* \*

## Subtitle D—Emergency Community Services Homeless Grant Program

\* \* \* \* \*

### SEC. 753. PROGRAM REQUIREMENTS.

(a) \* \* \*

(b) ASSURANCES.—In order to receive a grant under this subtitle, a State shall ensure that—

(a)(A) it will award all of the amounts it receives to—

(i) community action agencies that are eligible to receive amounts under section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A);

(ii) organizations serving migrant and seasonal farmworkers; and

(iii) any organization to which a State, that applied for and received a waiver from the Secretary under Public Law 98-139, made a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) for fiscal year 1984; and

(B) not less than 90 percent of the amounts received shall be awarded to such agencies and organizations that, as of January 1, 1987, are providing services to meet the critically urgent needs of homeless individuals;

(2) no amount received under this subtitle will be used to supplant other programs for homeless individuals administered by the State; [and]

(3) no amount received under this subtitle will be used to defray State administrative costs[.]; and

(4) *not more than 25 percent of the amounts received will be used for the purpose described in subsection (c)(4).*

(c) ELIGIBLE USE OF FUNDS.—Amounts awarded under this subtitle may be used only for the following purposes;

(1) Expansion of comprehensive services to homeless individuals to provide follow-up and long-term services to enable homeless individuals to make the transition out of poverty.

(2) Provision of assistance in obtaining social and maintenance services and income support services for homeless individuals.

(3) Promotion of private sector and other assistance to homeless individuals.

(4) *Provision of assistance to any individual who has received a notice of foreclosure, eviction, or termination of utility services, if—*

(A) *the inability of the individual to make mortgage, rental, or utility payments is due to a sudden reduction in income;*

*(B) the assistance is necessary to avoid the foreclosure, eviction, or termination of utility services; and*

*(C) there is a reasonable prospect that the individual will be able to resume the payments within a reasonable period of time.*

**[SEC. 754. AUTHORIZATION OF APPROPRIATIONS.**

**[There are authorized to be appropriated to carry out this subtitle \$40,000,000 for each of the fiscal years 1987 and 1988.]**

**SEC. 754. AUTHORIZATION OF APPROPRIATIONS.**

*There is authorized to be appropriated to carry out this subtitle \$42,000,000 for each of the fiscal years 1989 and 1990.*

\* \* \* \* \*

**PUBLIC HEALTH SERVICE ACT**

\* \* \* \* \*

**TITLE III—GENERAL POWERS AND DUTIES OF  
PUBLIC HEALTH SERVICE**

\* \* \* \* \*

**PART D—PRIMARY HEALTH CARE**

\* \* \* \* \*

**Subpart II—National Health Service Corps Program**

\* \* \* \* \*

**DESIGNATION OF HEALTH MANPOWER SHORTAGE AREAS**

**SEC. 332. (a)(1) \* \* \***

\* \* \* \* \*

**(3) Homeless individuals (as defined in section [340(q)(2)] 340(r)) may be a population group under paragraph (1).**

\* \* \* \* \*

**Subpart V—Health Services for the Homeless**

**GRANT PROGRAM FOR CERTAIN HEALTH SERVICES FOR THE HOMELESS**

**SEC. 340. (a) \* \* \***

\* \* \* \* \*

**(d) REQUIREMENT OF SUBMISSION OF APPLICATION CONTAINING CERTAIN AGREEMENTS.—(1) The Secretary may not make a grant under subsection (a) to an applicant unless the applicant has submitted to the Secretary an application for the grant containing agreements in accordance with—**

**(A) subsection (e)(1)(A)(ii), relating to the provision of matching funds;**

**(B) subsection (f), relating to the provision of certain health services;**

(C) subsection **[h](i)**, relating to restrictions on the use of funds;

(D) subsection **[i](j)**, relating to a limitation on charges for services;

(E) subsection **[j](k)**, relating to the administration of grants; and

(F) subsection **[k](l)**, relating to a limitation on administrative expenses.

\* \* \* \* \*

(e) **REQUIREMENT OF PROVISION OF MATCHING FUNDS.**—(1)(A) The Secretary may not make a grant under subsection (a) to an applicant—

(i) in an amount exceeding 75 percent of the costs of providing health services **[under the grant; and]** *for the first fiscal year of payments under the grant and 66⅔ percent of the costs of providing such services for any subsequent fiscal year of payments under the grant; and*

(ii) unless the applicant agrees that the applicant will make available, directly or through donations to the applicant, non-Federal contributions toward such costs in an amount equal to not less than \$1 (in cash or in kind under subparagraph (B)) for each \$3 of **[Federal funds provided in such grant.]** *Federal funds provided for the first fiscal year of payments under the grant and not less than \$1 (in cash or in kind under such subparagraph) for each \$2 of Federal funds provided for any subsequent fiscal year of payments under the grant.*

\* \* \* \* \*

**[(2) The Secretary may waive the requirement established in paragraph (1)(A) if—**

**[(A) the applicant involved is a nonprofit private grantee under section 330; and**

**[(B) the Secretary determines that it is not feasible for the applicant to comply with such requirement.]**

*(2) The Secretary may waive the requirement established in paragraph (1)(A) if the applicant involved is a nonprofit private entity and the Secretary determines that it is not feasible for the applicant to comply with such requirement.*

\* \* \* \* \*

(h) **TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.**—*If any grantee under subsection (a) has provided services described in subsection (f) or (g) to a homeless individual, any such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.*

**[(h)] (i) RESTRICTIONS ON USE OF GRANT FUNDS.**—(1) The Secretary may not, except as provided in paragraph (2), make a grant under subsection (a) to an applicant unless the applicant agrees that amounts received pursuant to such subsection will not, directly or through contract, be expended—

(A) for any purpose other than the purposes described in subsections (a) and (g);

(B) to provide inpatient services, except with respect to residential treatment for substance abuse provided in settings other than hospitals;

(C) to make cash payments to intended recipients of health services or mental health services; or

(D) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

(2) If the Secretary finds that the purpose described in subsection (a) cannot otherwise be carried out, the Secretary may, with respect to an otherwise qualified applicant, waive the restriction established in paragraph (1)(D).

**[(i)] (j) LIMITATION ON CHARGES FOR SERVICES.**—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that, whether health services are provided directly or through contract—

(1) health services under the grant will be provided without regard to ability to pay for the health services; and

(2) if a charge is imposed for the delivery of health services, such charge—

(A) will be made according to a schedule of charges that is made available to the public;

(B) will not be imposed on any homeless individual with an income less than the official poverty level; and

(C) will be adjusted to reflect the income and resources of the homeless individual involved.

**[(j)] (k) REQUIREMENTS WITH RESPECT TO ADMINISTRATION.**—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant—

(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant;

(2) agrees to establish an ongoing program of quality assurance with respect to the health services provided under the grant;

(3) agrees to ensure the confidentiality of records maintained on homeless individuals receiving health service under the grant;

(4) with respect to providing health services to any population of homeless individuals a substantial portion of which has a limited ability to speak the English language—

(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan; and

(5) agrees to submit to the Secretary an annual report that describes the utilization and costs of health services provided under the grant and that provides such other information as the Secretary determines to be appropriate.

**[(k)] (l) LIMITATION ON ADMINISTRATIVE EXPENSES OF GRANTEE.**—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will not expend more than 10 percent of amounts received pursuant to such subsection for the purpose of administering the grant.

**[(l)] (m) USE OF GRANT FUNDS FOR REFERRALS TO CERTAIN ADVOCACY SYSTEMS.**—A grantee under subsection (a) may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend amounts received under subsection (a) for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under such Act, to systems that provide advocacy services under such Act.

**[(m)] (n) USE OF SELF-HELP ORGANIZATIONS.**—Any grantee under subsection (a) may provide health services through contracts with nonprofit self-help organizations that—

(1) are established and managed by current and former recipients of mental health services, or substance abuse services, who have been homeless individuals; and

(2) with respect to the provision of health services described in subsection (b)(3), are organizations qualified under subparagraph (B) of such subsection.

**[(n)] (o) TECHNICAL ASSISTANCE.**—(1) The Secretary may, without charge to any grantee under subsection (a), provide technical assistance to any such grantee with respect to the planning, development, and operation of programs to carry out the purpose described in such subsection. The Secretary may provide such technical assistance directly, through contract, or through grants.

(2) Of the amounts appropriated pursuant to subsection **[(p)(1), (q)(1)]** for a fiscal year, the Secretary may expend not more than \$2,000,000 for the purpose of carrying out paragraph (1).

**[(o)] (p) ANNUAL REPORTS BY SECRETARY.**—Not later than January 10 of each year, the Secretary shall submit to the Congress a report describing the utilization and costs of health services provided under subsection (a) during the immediately preceding fiscal year.

**[(p)] (q) FUNDING.**—(1) **[(There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 1987 and \$30,000,000 for fiscal year 1988.)]** *There are authorized to be appropriated to carry out this section \$61,200,000 for fiscal year 1989, \$63,600,000 for fiscal year 1990, and \$66,200,000 for fiscal year 1991.*

(2) Amounts received by a grantee pursuant to subsection (a) remaining unobligated at the end of the fiscal year in which the amounts were received shall remain available to the grantee during the succeeding fiscal year for the purpose described in such subsection.

**[(q)] (r) DEFINITIONS.**—For purposes of this section:

(1) The term “health services” means primary health services and substance abuse services.

(2) The term “homeless individual” means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary **[(living accommodations.)]**

*living accommodations and an individual who is a resident in transitional housing.*

(3) The term "medically underserved population" has the meaning given such term in section 330(b)(3).

(4) The term "official poverty level" means the nonfarm income official poverty line defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(5) The term "organization" includes individuals, corporations, partnerships, companies, and associations.

(6) The term "primary health services" has the meaning given such term in section 330(b)(1).

(7) The term "substance abuse" has the meaning given such term in section 536(4).

(8) The term "substance abuse services" includes detoxification and residential treatment for substance abuse provided in settings other than hospitals.

\* \* \* \* \*

## **TITLE V—ADMINISTRATION AND COORDINATION OF THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NA- TIONAL INSTITUTE ON DRUG ABUSE**

\* \* \* \* \*

### **PART B—RESEARCH**

#### **Subpart 1—Alcohol Abuse and Alcoholism**

\* \* \* \* \*

#### **AUTHORIZATIONS OF APPROPRIATIONS**

SEC. 513. (a) There are authorized to be appropriated to carry out this subpart \$69,000,000 for fiscal year 1987.

[(b) There is authorized to be appropriated to carry out section 512(c) \$10,000,000 for fiscal year 1987.]

(b) *There is authorized to be appropriated to carry out section 512(c) \$10,000,000 for fiscal year 1989, \$11,000,000 for fiscal year 1990, and \$12,000,000 for fiscal year 1991.*

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### **PART C—COMMUNITY MENTAL HEALTH SERVICES FOR THE HOMELESS**

\* \* \* \* \*

#### **AUTHORIZATIONS OF APPROPRIATIONS**

SEC. 535. There are authorized to be appropriated to carry out this part [\$35,000,000 for fiscal year 1987 and such sums as may be

necessary for fiscal year 1988.】 \$35,000,000 for fiscal year 1989, \$36,000,000 for fiscal year 1990, and \$38,000,000 for fiscal year 1991.

\* \* \* \* \*

# TEMPORARY EMERGENCY FOOD ASSISTANCE ACT OF 1983

\* \* \* \* \*

## AVAILABILITY OF CCC FLOUR, CORNMEAL, AND CHEESE

SEC. 202A. Notwithstanding any other provision of law—

(a)(1) 【To the extent provided in advance in an appropriation Act, in fiscal year 1988】 *For the period ending on the date specified in section 212*, flour, cornmeal, and cheese acquired by the Commodity Credit Corporation that are in excess of quantities needed to—

(A) carry out other domestic donation programs,

(B) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

(C) meet international market development and food aid commitments, and

(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and Commodity Credit Corporation Charter Act,

shall be made available as provided in paragraph (2).

(2) The Secretary shall make such excess flour, cornmeal, and cheese available in any State, in addition to the normal allotment of such commodities (adjusted by any reallocation) for 【fiscal year 1988】 *each of the fiscal years 1989 and 1990* under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

(A)(i) individuals in such State who are eligible to receive flour, cornmeal, and cheese under this Act are not receiving such commodities distributed under other provisions of this Act, or

(ii) the number of unemployed individuals in such State has increased during the most recent 90-day period for which unemployment statistics are available prior to the date the certification is made, and

(B) the distribution of flour, cornmeal, and cheese under this section in such State will not substantially displace the commercial sale of such commodities in such State.

(b) Flour, cornmeal, and cheese made available under this section by the Secretary shall be made available without charge or credit in 【fiscal year 1988】 *each of the fiscal years 1989 and 1990*, in a usable form, for use by eligible recipient agencies in a State.

(c) The amount of cheese made available under this section in 【fiscal year 1988】 *each of the fiscal years 1989 and 1990* shall not exceed 14,000,000 pounds.

\* \* \* \* \*

## AUTHORIZATION AND APPROPRIATIONS

## SEC. 204. (a) \* \* \*

\* \* \* \* \*

(c)(1) There are authorized to be appropriated \$50,000,000 for each of the fiscal years ending September 30, 1986, through September 30, [1988], 1990 for the Secretary to make available to the States for State and local payments for costs associated with the distribution of commodities by emergency feeding organizations under this title. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis, dividing such funds among the States in the same proportions as the commodities distributed under this title for each fiscal year are divided among the States. If a State agency is unable to use all of the funds so allocated to it, the Secretary shall reallocate such unused funds among the other States.

(2) Each State shall make available to emergency feeding organizations in the State not less than [20] 50 per centum of the funds provided as authorized in paragraph (1) that it has been allocated for a fiscal year, as necessary to pay for, or provide advance payment to cover, the direct expenses of the emergency feeding organizations for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such organizations. As used in this paragraph, the term "direct expenses" includes costs of transporting, storing, handling, and distributing commodities incurred after they are received by the organization; costs associated with determinations of eligibility, verification, and documentation; costs involved in publishing announcements of times and locations of distribution; and costs of recordkeeping, auditing, and other administrative procedures required for participation in the program under this title. If a State makes a payment, using State funds, to cover direct expenses of emergency feeding organizations, the amount of such payment shall be counted toward the amount a State must make available for direct expenses of emergency feeding organizations under this paragraph.

\* \* \* \* \*

SEC. 210. (a) \* \* \*

\* \* \* \* \*

(c) With respect to the commodity distribution program under this Act in effect during the period ending on the date specified in section 212, the Secretary shall, not later than October 1, 1983, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the first twelve months of the program; and, as early as feasible but not later than the beginning of the fiscal year [ending September 30, 1988. 1990], the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the such fiscal year months of the program under the Act: *Provided*, that the actual types and quantities of commod-

ities made available by the Secretary under this Act may differ from the estimates.

\* \* \* \* \*

#### PROGRAM TERMINATION

SEC. 212. Except for section 207, this Act shall terminate on September 30, **[1988]** *1990*.

#### SECTION 9118 OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

##### SEC. 9118. ASSISTANCE TO HOMELESS AFDC FAMILIES.

The Secretary of Health and Human Services may not take any action, prior to **[October 1, 1988]** *September 30, 1989* that would have the effect of implementing in whole or in part the proposed regulation published in the Federal Register on December 14, 1987, with respect to emergency assistance and the need for an amount of assistance under the program of aid to families with dependent children, or that would change current policy with respect to any of the matters addressed in such proposed regulation.

○